

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR
FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(Crl.).No. 92 of 2007(S)

PETITIONER:

MOHAMMED ASHRAF CHETTIAM PARAMBIL,
S/O.RAYIN KUTTY, C/O.C.P.MUHAMMED IQBAL,
P.B.NO.2380, ABUDHABI.

BY ADV. SMT.P.K.RADHIKA

RESPONDENTS:

1. COUNSULATOR, INDIAN COUNSULATE, DUBAI.
2. T.P.KUNNJALANKUTTY, P.B. NO.61304,
APTECH, GULF LIMITED, JEBALALI,
FREESON, DUBAI.
3. FEBIN, P.B. NO.61304, APTECH, GULF LIMITED,
JEBALALI, FREEZON, DUBAI.
4. SANAM (MINOR), REPRESENTED, BY MOTHER FEBIN,
C/O.P.B.NO.61304, APTECH, GULF LIMITED,
JEBALALI, FREEZON, DUBAI.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 13.4.2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P. (CRL.) No. 92 of 2007 S

Dated this the 13th day of April, 2007

Judgment

Koshy, J.

Petitioner and his wife are abroad. A family court petition is pending and petitioner obtained Ext.P2 order from the Family Court. It is an ex parte order. It is submitted by the petitioner that thereafter respondent has appeared and filed petition. If that be so, habeas corpus petition will not lie. Whom should be entrusted with the custody of the child etc. has to be decided by the Family Court. It is further stated that he was unable to see the daughter. These matters can be stated before the Family Court and the Family Court shall give appropriate relief. There is no question of any illegal retention.

This writ petition is disposed of without prejudice to right of the petitioner.

**J.B.KOSHY
JUDGE**

**T.R.RAMACHANDRAN NAIR
JUDGE**

vaa

**J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.**

W.P. (CRL.) NO.92/2007-S

JUDGMENT

Dated:13th April, 2007